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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,274	10/05/2004	Pierre Roux	Q103095	1567
23373 7590 11/26/2010 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER THIER, MICHAEL				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
11/26/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/12/2010 have been fully considered but they are not persuasive.

Applicant argues, "...neither Tiedemann nor Takenaka suggest any benefit in sending time variability of the received power level to the RNC."

In response to applicant's argument, the examiner respectfully disagrees. As previously explained, Tiedemann teaches the majority of the claim limitations with the exception that the measured parameter is data representing a time variability of a power level received. Tidemann teaches measuring the pilot strengths and transmitting report messages indicating at least a part of the measured parameter to then allow for controlling channel power allocations. Takenaka teaches the idea of measuring a time variability of a power level received on a channel as previously explained. One of ordinary skill in the art would have found it obvious to try and use the time variability of received power level in place of the pilot strengths to allow for a different parameter to be utilized that would yield predictable results (i.e. adjusting the channel power allocations based on the received power level variations throughout time). The system would then have the ability to control the forward traffic channel power allocation more effectively during times of high received power levels and also during times of low received power level, thus creating a more efficient system.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. THIER whose telephone number is (571)272-2832. The examiner can normally be reached on Monday thru Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T THIER/
Examiner, Art Unit 2617
11/15/2010